



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 22 2010

OFFICE OF CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

The Honorable Paul Hodes
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Hodes:

This is in response to a letter your office forwarded to the Environmental Protection Agency (EPA) from your constituent, Mr. Douglas Baresich regarding his interest in the proposed rulemaking governing the management of coal combustion residuals. Please find enclosed EPA's response to your constituent's concerns.

Thank you and if you have any questions, please feel free to contact me at 202-564-5200 or your staff may contact Amy Hayden in EPA's Office of Congressional and Intergovernmental Relations at 202-564-0555.

Sincerely,

A handwritten signature in black ink, which appears to read "Joyce K. Frank". The signature is fluid and cursive.

Joyce K. Frank
Principal Deputy Associate Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

The Honorable Carol Shea-Porter
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Shea-Porter:

This is in response to a letter your office forwarded to the Environmental Protection Agency (EPA) from your constituent, Mr. Douglas Baresich regarding his interest in the proposed rulemaking governing the management of coal combustion residuals. Please find enclosed EPA's response to your constituent's concerns.

Thank you and if you have any questions, please feel free to contact me at 202-564-5200 or your staff may contact Amy Hayden in EPA's Office of Congressional and Intergovernmental Relations at 202-564-0555.

Sincerely,

Joyce K. Frank
Principal Deputy Associate Administrator

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OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Mr. Douglas Baresich
Plant Manager, Portsmouth Plant
National Gypsum Company
9 Michael Succi Drive
Portsmouth, NH 03801

Dear Mr. Baresich:

Thank you for your letter of June 15, 2010, to Congressman Paul Hodes and Congressswoman Carol Shea-Porter expressing your interest in the proposed rulemaking governing the management of coal combustion residuals (CCRs) and the potential adverse impacts associated with a possible re-classification of CCRs as a hazardous waste. The U.S. Environmental Protection Agency (EPA) appreciates your interest in these important issues.

In the proposed rule, EPA seeks public comments on two approaches available under the Resource Conservation and Recovery Act (RCRA). One option is drawn from remedies available under Subtitle C of RCRA, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The other option includes remedies under Subtitle D of RCRA, which gives EPA authority to set performance standards for waste management facilities which are narrower in scope and would be enforced primarily by those states who adopt their own coal ash management programs and by private citizen suits.

EPA is not proposing to regulate the beneficial use of CCRs. EPA continues to strongly support the safe and protective beneficial use of CCRs. However, concerns have been raised with some uses of CCRs in an unencapsulated form, in the event proper practices are not employed. The agency is soliciting comments and information on these types of uses.

Again, thank you for your letter. If you have further questions, please contact Frank Behan in the Office of Resource Conservation and Recovery at 703-308-8476.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus".

Mathy Stanislaus
Assistant Administrator

cc: The Honorable Paul Hodes
The Honorable Carol Shea-Porter